



Control Number: 52101



Item Number: 39

Peter M. Lake
Chairman
Will McAdams
Commissioner
Lori Cobos
Commissioner
Jimmy Glotfelty
Commissioner



Greg Abbott
Governor
Thomas J. Gleeson
Executive Director

2022 FEB 15 PM 3:18

Public Utility Commission of Texas

TO: All Parties of Record
FROM: Stephen Journey, Commission Counsel
DATE: 15 February 2022
RE: Docket No. 52101 – *Petition of CCD-North Sky, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*

The Office of Policy and Docket Management (OPDM) has determined the petitioner, CCD-North Sky, LLC, must file additional information in this streamlined expedited release proceeding.

In its streamlined expedited release proceedings, the Commission frequently releases tracts of land that do not include certain areas of a landowner's entire property. This practice allows the Commission to tailor tracts of land to be released as necessary to ensure they do not include areas to which a certificate holder is providing service. In developing its precedent on this matter, the Commission has firmly established that tracts of land to be released may not include active meters or structures served by meters at the time the petition is filed.¹ If a certificate holder asserts that either feature is within a petitioner's property, then the petitioner must provide documentation showing that neither feature is within the tract of land to be released.

North Sky's original petition requested the release of a tract of land that included Marilee Special Utility District meter 241. North Sky later amended its petition to remove the area including meter 241 from the tract of land to be released. But documentation provided by Marilee shows there are several structures near meter 241, and Marilee asserts that at least one of these structures is being served by meter 241.²

It is unclear, based on the documents currently filed, whether the tract of land to be released includes structures served by meter 241 at the time North Sky filed its petition. North Sky has not

¹ *Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 50404, Order Remanding to Docket Management (Apr. 7, 2021); *Petition of Patricia Miller Deason to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Order (May 19, 2017).

² *Id.* at 2.

39

filed documentation to demonstrate which of these structures are served by meter 241. Nor has North Sky filed documentation to demonstrate that all structures served by meter 241 are not within the tract of land to be released.

Accordingly, OPDM requests that North Sky file additional documentation to support its amended petition, including a map showing the location of meter 241, all structures served by meter 241, and the boundaries of the tract of land to be released. Further, North Sky should clearly identify all structures served by meter 241. OPDM requests the petitioners make these filings by Monday, March 7, 2022 at 3:00 PM.

W Office 365

q:\cadm\memos\journey's open meeting memos\opdm memos\52101 opdm memo.docx

